



General Assembly

Substitute Bill No. 5324

February Session, 2012

* _____HB05324KIDENV031412_____ *

**AN ACT CONCERNING CHILD SAFETY BY RESTRICTING THE
PLACEMENT OF LEGHOLD TRAPS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-72 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The commissioner may, after notice and public hearing
4 conducted in the manner prescribed by section 26-67, issue regulations
5 governing and prescribing the taking of all species of fur-bearing
6 animals by use of traps within the state. Such regulations may (1)
7 establish the open and closed seasons, (2) establish the legal hours, (3)
8 prescribe the legal methods that may be used, including size, type and
9 kind of traps and the type and kind of bait and lures, (4) designate the
10 places where traps may be placed and set and the conditions under
11 which the placing and setting of traps will be legal, (5) establish the
12 daily bag limit and the season bag limit, and (6) assess a reasonable fee,
13 or develop a comparable equitable plan, for season trapping rights on
14 state-owned property. Assignment of such rights for specific areas may
15 be determined by drawing or by the order in which requests therefor
16 are recorded as received in the office of the commissioner when there
17 is a set fee for such areas, or the method of high bid may be used.

18 (b) No person shall set, place or attend any trap upon the land of
19 another without having in such person's possession the written

20 permission of the owner or lessee of such land, or such owner's or
21 lessee's agent, and no person shall set, place or attend any trap not
22 having the name of the person using such trap legibly stamped
23 thereon or attached thereto, provided the owner or legal occupant of
24 such land or such person as such owner or legal occupant designates
25 may set, place or attend any legal steel trap in any place within a
26 radius of one hundred feet of any permanent building located on such
27 land. No person who sets, places or attends any trap shall permit more
28 than twenty-four hours to elapse between visits to such trap, except
29 that if such twenty-four-hour period expires before sunset, the person
30 who set such trap shall have until sunset to visit the trap. Any person
31 who sets, places or attends any trap shall report each incident of the
32 trapping of a nontarget animal to the Department of Energy and
33 Environmental Protection within twenty-four hours. No person shall
34 place, set or attend any snare, net or similar device capable of taking or
35 injuring any animal. As used in this subsection, "nontarget" animal
36 means an animal of a species not intended to be taken.

37 (c) No person shall place any leghold trap on or within seven
38 hundred fifty feet of the real property comprising a public or private
39 elementary or secondary school, licensed child day care center, as
40 defined in section 19a-77, that is identified as a child day care center by
41 a sign posted in a conspicuous place, state park, municipal park,
42 municipal playground, public boat launch, roadside rest area, public
43 picnic area, public campground, blazed trail or state hiking trail. As
44 used in this subsection, "leghold trap" means a device designed to
45 close on the foot or leg of an animal with sufficient force to hold the
46 animal until the person tending the trap returns, and includes, but is
47 not limited to, a steel jawed leghold style trap that is either padded or
48 unpadded. Nothing in this subsection shall prevent any person duly
49 authorized by the Department of Energy and Environmental
50 Protection from setting a leghold trap within seven hundred fifty feet
51 of such areas listed in this subsection to control nuisance wildlife.

52 (d) The pelt of any fur-bearing animal legally taken may be

53 possessed, sold or transported at any time. Upon demand of any
54 officer having authority to serve criminal process or any representative
55 of the Department of Energy and Environmental Protection, any
56 person in possession of any such pelt shall furnish to such officer or
57 such representative satisfactory evidence that such pelt was legally
58 taken or acquired.

59 (e) No provision of this section shall be construed as prohibiting any
60 landowner or lessee of land used for agricultural purposes or any
61 citizen of the United States, or any person having on file in the court
62 having jurisdiction thereof a written declaration of such person's
63 intention to become a citizen of the United States, who is regularly
64 employed by such landowner or lessee, from pursuing, trapping and
65 killing at any time any fur-bearing animal, except deer, which is
66 injuring any property, or the owner of any farm or enclosure used for
67 breeding or raising any legally acquired fur-bearing animal who has a
68 game breeder's license issued by the commissioner or a fur breeder's
69 license issued by the Department of Agriculture, from taking or killing
70 any such animal legally in his or her possession at any time or having
71 in possession any pelt thereof.

72 (f) No person shall molest, injure or disturb any muskrat house or
73 den at any time.

74 (g) Any fur-bearing animal legally taken alive may be possessed by
75 the person taking the animal, provided the person shall notify the
76 commissioner in a writing signed by the person stating the species and
77 sex of such animal, the date and the name of the town where such
78 animal was taken and the specific address where such animal will be
79 kept. Any representative of the department may at any time inspect
80 such animal and the enclosure or other facilities used to hold such
81 animal and make inquiry concerning the diet and other care such
82 animal should have and if, in the opinion of the commissioner or such
83 representative, such animal is not being provided adequate or proper
84 facilities or care, such animal may be seized by such representative of
85 the department and be disposed of as determined by the

86 commissioner. Fur-bearing animals taken alive, as provided in this
 87 section, shall not be sold or exchanged, provided the person who
 88 legally possesses such animal may apply to the commissioner for a
 89 game breeder's license or to the Department of Agriculture for a fur
 90 breeder's license and when so licensed such person may breed such
 91 animal and the progeny thereof, and such issue when three
 92 generations removed from the wild may be sold or exchanged alive or
 93 dead.

94 (h) Any trap illegally set and any snare, net or similar device found
 95 placed or set in violation of the provisions of this section shall be
 96 seized by any representative of the department and, if not claimed
 97 within twenty-four hours, the commissioner may order such trap,
 98 snare, net or other device destroyed, sold or retained for use by the
 99 commissioner.

100 (i) Any person who violates any provision of this section, or any
 101 regulation issued by the commissioner shall be fined not more than
 102 two hundred dollars or be imprisoned not more than sixty days, or
 103 both.

104 (j) Whenever any person is convicted, or forfeits any bond, or has
 105 such person's case nolledd upon the payment of any sum of money, or
 106 receives a suspended sentence or judgment for a violation of any of the
 107 provisions of this section or any regulation issued hereunder by the
 108 commissioner, all traps used, set or placed in violation of any such
 109 provisions or any such regulation may, by order of the trial court, be
 110 forfeited to the state and may be retained for use by the department or
 111 may be sold or destroyed at the discretion of the commissioner. The
 112 proceeds from any such sale shall be paid to the State Treasurer and
 113 the State Treasurer shall credit such proceeds to the General Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	26-72

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Joint Favorable Subst. C/R

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